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UNCLASSIFIED 020900Z MAY 1974 VIA MARTIN CHANNEL

SAIGON 0611 IMMEDIATE
DELIVER OOB
MAY 2, 1974
TO: GENERAL BRENT SCOWCROFT
FROM: AMBASSADOR GRAHAM MARTIN
REF: SAIGON 0610
FOLLOWING IS TEXT OF AP STORY:
BEGIN TEXT:

SAIGON (AP)--AIR AMERICAN, THE U.S. CENTRAL INTELLIGENCE AGENCY FUNDED AIRLINE, HAS BEEN USED TO TRANSPORT NORTH VIETNAMESE PRISONERS CAPTURED IN A BATTLE WITH SAIGON GOVERNMENT FORCES EARLIER THIS WEEK, PHOTOS SHOWED THURSDAY.

THE ASSOCIATED PRESS PHOTOGRAPHS ARE APPARENTLY THE FIRST DOCUMENTED EVIDENCE OF U.S. VIOLATIONS OF THE CEASE-FIRE TO COME TO PUBLIC LIGHT.

U.S. AMBASSADOR GRAHAM A. MARTIN, ALREADY EMBROILED IN SEVERAL CONTROVERSIES, ACKNOWLEDGED THAT AN AMERICA PLANE HAD BEEN USED TUESDAY TO TRANSPORT SEVEN NORTH VIETNAMESE PRISONERS FROM MOC HOA, 45 MILES WEST OF SAIGON, TO CAN THO, FARTHER SOUTH. HE SAID HE PERSONALLY AUTHORIZED THE AIRCRAFT, WHICH WAS REQUESTED BY THE SOUTH VIETNAMESE GOVERNMENT FOR "HUMANITARIAN REASONS." MARTIN SAID HE HAD BEEN LISTENING TO PRESIDENT NIXON'S WATERGATE SPEECH TUESDAY WHEN THE REQUEST CAME TO HIM.

"I GOT A CALL ASKING IF WE COULD USE AIR AMERICA AT THE REQUEST OF ARVN (ARMY OF THE REPUBLIC OF VIET-NAM) TO EVACUATE A WOUNDED GUY FROM MOC HOA," HE SAID. "I SAID, 'YES' IF THEY CAN'T HANDLE IT, AND AN AIR AMERICA PLANE WAS SENT TO PICK HIM UP. I DIDN'T KNOW THE OTHER PRISONERS WERE GOING TO BE LOADED ON."

THE PHOTOS SHOW ONE OF THE PRISONERS WOUNDED IN THE LEG, BUT HE IS AMBULATORY AND WALKING TOWARD THE AIRCRAFT TO BOARD IT.

ARTICLE 4 OF THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIET-NAM SIGNED IN PARIS JANUARY 27, 1973, SAYS:

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"THE UNITED STATES WILL NOT CONTINUE ITS MILITARY INVOLVEMENT OR INTERVENE IN THE INTERNAL AFFAIRS OF SOUTH VIET-NAM."

MARTIN DENIED THE INCIDENT WAS A VIOLATION OF THE AGREEMENT. HE SAID ALSO, "I'M NOT SURE, "WHEN ASKED HOW MANY TIMES AIR

*****WHSR COMMENT*****

SCOWCROFT, MCFARLANE, RODMAN

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AMERICA PLANS HAD BEEN USED IN THE PAST FOR SIMILAR MISSIONS. MARTIN EXPLAINED THAT AIR AMERICA IS UNDER CONTRACT TO THE FOUR-NATION INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION. BUT ALSO IS UNDER CONTRACT TO THE U.S. EMBASSY FOR PURELY U.S. BUSINESS, FLYING COURIER MISSIONS ACROSS SOUTH-VIETNAM.

"WHENEVER WE CAN, IF WE GET A HUMANITARIAN REQUEST, WE DO SO," HE SAID. "BUT GENERALLY WE DO NOT DEVIATE FROM THE NORMAL RULES OF AIR AMERICA HANDLING ONLY DIRECTLY RELATED U.S. BUSINESS.

"WE WILL ALWAYS RESPOND TO REQUESTS LIKE THAT FOR HUMANITARIAN REASONS IF NO OTHER AIRCRAFT IS AVAILABLE, IF IT IS A REQUEST JUST TO MOVE PRISONERS WE WON'T DO IT. NORMALLY, WE WATCH THIS CAREFULLY. WE ARE NOT INVOLVED IN GIVING ADVICE OR PARTICIPATION. YOU CAN SAY THIS IS NOT OUR BUSINESS BUT I RECALL A PARALLEL CASE MARCH 31."

HE SAID THAT CASE INVOLVED THE USE OF AN AIR AMERICA AIRCRAFT TO HELP EVACUATE A HUNGARIAN LIEUTENANT WHO WAS INJURED IN AN ACCIDENT.

THE NORTH VIETNAMESE AND VIET CONG HAVE REPEATEDLY CHARGED THAT THE U.S. IS VIOLATING THE AGREEMENT BY USING CIVILIANS IN PARA-MILITARY RELATED OPERATIONS, IN INTELLIGENCE GATHERING ACTIVITIES AND IN ADVISING AND GIVING TECHNICAL ASSISTANCE TO THE SAIGON GOVERNMENT.

IN REALITY, ALL FOUR PARTIES TO THE AGREEMENT--THE UNITED STATES AND ITS SOUTH VIETNAMESE ALLY AND THE NORTH VIETNAMESE AND THEIR VIET CONG ALLIES--HAVE BEEN VIOLATING VARIOUS PROVISIONS OF THE CEASE-FIRE FOR THE PAST 15 MONTHS.

THE PRESENCE OF NORTH VIETNAMESE TROOPS IN THE SOUTH IS A CLEAR-CUT VIOLATION OF THE AGREEMENT. WHILE THE PHOTOS ALSO DOCUMENTED THE APPARENT U.S. VIOLATION, THEY ALSO DOCUMENTED THE PRESENCE OF NORTH VIETNAMESE FORCES IN THE SOUTH.

THE SEVEN PRISONERS CARRIED ON THE PLANE ALL IDENTIFIED THEMSELVES AS BEING FROM NORTH VIETNAM. THEY WERE CAPTURED IN FIGHTING ALONG THE CAMBODIAN BORDER WEST OF SAIGON EARLIER THIS WEEK, WHERE COMMUNIST-LED FORCES HEAVILY SHELLED AND ATTACKED WITH TANKS GOVERNMENT OUTPOSTS, ACCORDING TO FIELD REPORTS. THE FIGHTING IS CONTINUING.

FOR 3-4, THE THE CIA CONDUCTED A SECRET WAR IN LAOS, USING PAGE 3

AIR AMERICA AS A COVER. THE AIRLINE, WHILE PURPORTING TO HANDLE ONLY NON-MILITARY MISSIONS SUCH AS RICE DROPS AND TRANSPORT OF REFUGEES, DID IN FACT CONDUCT MILITARY-TYPE MISSIONS IN LAOS.

MARTIN EARLIER THIS YEAR WAS INVOLVED IN A PUBLIC FEUD WITH THE NEW YORK TIMES. HE ACCUSED TIMES CORRESPONDENT DAVID SHIPLEY OF BIASED REPORTING FOR AN ACCOUNT OF THE U.S. MILITARY AID TO THE SAIGON GOVERNMENT. SHIPLEY DESCRIBED THE AID AS SO VAST THAT IT "CONTINUES TO SET THE COURSE OF THE WAR MORE THAN A YEAR AFTER SIGNING OF THE PARIS PEACE AGREEMENTS AND THE FINAL WITHDRAWAL OF AMERICAN TROOPS."

LAST MONTH, SEN. EDWARD M. KENNEDY MADE PUBLIC A CONFIDENTIAL

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CABLE FROM MARTIN TO THE STATE DEPARTMENT RECOMMENDING THAT KENNEDY NOT BE GIVEN THE INFORMATION THE SENATOR HAD REQUESTED ABOUT U.S. POLICY IN SOUTH VIET-NAM.

MARTIN HAS MAINTAINED HE WAS NO TRYING TO WITHHOLD THE TRUTH FROM KENNEDY BUT THAT THE PROPER FORUM FOR DISCLOSURE OF SUCH BROAD POLICY MATTERS IS BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE AND SENATE APPROPRIATIONS COMMITTEE WHICH WILL OPEN HEARINGS SOON ON THE NIXON ADMINISTRATION'S REQUEST FOR MILITARY AND ECONOMIC AID TO SOUTH VIET-NAM.

THE 61-YEAR-OLD AMBASSADOR IS EXPECTED TO RETURN TO WASHINGTON SOON FOR CONSULTATIONS. END TEXT.

MARTIN
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